

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

CHRISTOPHER SHAWN MINOR,)	
)	
Plaintiff)	
)	
v.)	No. 3:12-1332
)	Judge Campbell/Bryant
)	Jury Demand
SARAH MELISSA FOSTER, <i>et al.</i> ,)	
)	
Defendants)	

TO: THE HONORABLE TODD J. CAMPBELL

REPORT AND RECOMMENDATION

Defendants have filed their motion to dismiss for failure to prosecute and for Plaintiff's failure to keep the Court and defense counsel informed of his current address in accordance with the order of the Court (Docket Entry No. 84). As grounds for this motion, Defendants cite several recent attempted mailings to Plaintiff that have been returned as undeliverable by the post office. The Court has had a similar experience (Docket Entry Nos. 80, 81, 82, 83, and 89).

On July 16, 2014, the undersigned Magistrate Judge issued an order to show cause directing Plaintiff to show cause on or before July 31, 2014, why his complaint should not be dismissed for his failure to keep the Court informed of his current address and otherwise to prosecute this action (Docket Entry No. 86). This order admonished Plaintiff that his failure to respond to this order may cause the undersigned to recommend that his complaint be dismissed. The copy of this order to show cause, like other

mailings recently sent to Plaintiff, was returned by the post office marked "Return to Sender - Moved Left No Forwarding Address" (Docket Entry No. 88).

From the foregoing facts, the undersigned Magistrate Judge finds that Plaintiff Minor has failed to keep the Court informed of his current mailing address in violation of prior order of the Court (Docket Entry No. 5 at 2), and because he has generally failed to prosecute this action. For this reason, the undersigned finds that Plaintiff's complaint should be dismissed.

RECOMMENDATION

For the reasons stated above, the undersigned Magistrate Judge recommends that Defendants' motion to dismiss for failure to prosecute and for failure to keep the Court informed of his current address should be GRANTED, and that the complaint be DISMISSED with prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has **14 days** from receipt of this Report and Recommendation in which to file any written objections to this Recommendation with the District Court. Any party opposing said objections shall have **14 days** from receipt of any objections filed in this Report in which to file any responses to said objections. Failure to file specific objections within **14 days** of receipt of this Report and Recommendation can constitute a waiver of further

appeal of this Recommendation. *Thomas v. Arn*, 474 U.S. 140 106 S. Ct. 466, 88 L.Ed.2d 435 (1985), *Reh'g denied*, 474 U.S. 1111 (1986).

ENTERED this 22nd day of October, 2014.

/s/ John S. Bryant
JOHN S. BRYANT
United States Magistrate Judge